THE HON'BLE MR. JUSTICE B. SUDERSHAN REDDY

AND

THE HON'BLE MR. JUSTICE RAMESH RANGANATHAN

WRIT PETITION NO. 7184 OF 2005

DATED: 12-08-2005

Between

M/s. Bhavani Transformers Pvt. Ltd.,
A Company incorporated under the
provisions of Companies Act, 1956, having
its registered Office at Plot No 26/A-1,
Sri Venkateshwara Co-op Industrial Estate,
IDA, Jeedimetla, Hyderabad, represented by
its Director, Smt. P. Padma.

..... PETITIONER

And

1. The Commissioner of Customs & Central
Excise (Appeals – II), 7th Floor,
Central Revenue Building, L.B. Stadium Road,
Basheerbagh, Hyderabad – 500 004 and others.

..... RESPONDENTS

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ORDER: (per Sri B. Sudershan Reddy, J)

The Commissioner of Customs and Central Excise
(Appeals – II), vide the impugned order dated 25-02-2005, dismissed the appeal preferred by the petitioner herein against the order in Original C.Ex.No. 4o of 2004 in O.R No. 122/2002-Adjn
dated 13-07-2004 passed by the Additional Commissioner of Central Excise, Hyderabad – IV for noncompliance of the provisions of Section 35F of the Central Excise Act, 1944 (for short 'the Act').

The facts disclose that the petitioner made all possible efforts to comply with the requirement of deposit of amounts as is required under the provisions of Section 35F of the Act but could not do so on account of sad and sudden demise of the Managing

Director of the Company.

Be that as it may, the petitioner pursuant to the directions of this Court deposited Rs. 5,50,000/- with the respondents and altogether deposited an amount of Rs.8,50,000/- as against Rs.14,00,000/-.

Having regard to the facts and circumstances of the case, we consider it appropriate to direct the appellate authority to hear and dispose of the appeal on merits without insisting for any further payment under Section 35F of the Act. The appeal shall be heard and disposed of within a period of eight weeks from the date of receipt of a copy of this order.

The Writ Petition is accordingly disposed of.

(B. Sudershan Reddy, J)

12..08..2005

(Ramesh Ranganathan, J)

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